IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

INCOME TAX REFERENCE NO. 406 OF 1988.

The Commissioner of Income-tax,
Bombay City-IV, Bombay. ... Applicant.

V/s.

Trustees of Acharya Shri Vijay
Vallabh Suriswarji Janma
Satabdi S. Trust .. Respondent.

Shri Ashok Kotangale for the applicant.

Shri P.C.Tripathi for the respondent.

CORAM : V.C.DAGA AND A.S.AGUIAR, JJ.

DATED : 9th August 2005.

P.C. :

. By this reference under section 256 of the Income-tax Act, 1961, the Income Tax Appellate Tribunal has referred the following questions of law for the opinion of this Court:

1. Whether, on the facts and in the circumstances of the case, the Tribunal was right in law in holding that the assessee trust was an educational institution and entitled to exemption u/s 10(22) of the I.T. Act, 1961.

2. If answer to question No.(1) is in the negative, whether on the facts and in the circumstances of the case, the income of the assessee trust was entitled to exemption or not?

. For the reasons recorded by us in our judgment dated 1st July 2005 passed in Income Tax Reference No.397 of 1988 (**C.I.T. vs. M/s Pithwa**

Engg.Works), wherein we have relied upon decision of this Court in the case of **C.I.T. vs. Camco Colour Co.** (2002) 254 ITR 565, we do not think it necessary to answer the reference made to this Court for the Assessment Year 1982-83, having negligible tax effect. Accordingly, reference stands returned unanswered with no order as to costs.

(A.S.AGUIAR, J.) **(V.C.DAGA, J.)**